

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington
Corporation and AMGEN INC., a Delaware
Corporation,

Civil Action No. 04-10740-MLW
C.D. Cal. No. CV 03-4349 MRP (CWx)

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA
UNIVERSITY in the City of New York,
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

**AMGEN INC.'S AND IMMUNEX CORPORATION'S SUPPLEMENT IN SUPPORT
OF THEIR MOTION TO COMPEL DEFENDANT
TO PRODUCE DR. SIMINOVITCH FOR HIS DEPOSITION OR
IN THE ALTERNATIVE FOR ENTRY OF LETTERS ROGATORY**

Pursuant to the Court's October 7, 2004 Order, Amgen Inc. and Immunex Corporation (collectively "Amgen") hereby supplement their submissions relating to their Motion To Compel Defendant To Produce Dr. Siminovitch For His Deposition Or In The Alternative For Entry Of Letters Rogatory.

Columbia's October 11, 2004 submission to this Court does not resolve all issues related to Amgen's subpoenas and Amgen's motion. Amgen is currently working with Columbia to resolve the dispute. If given additional time, the parties may be able to reach agreement.

Therefore, Amgen requests that the Court permit Amgen to submit an additional supplement on October 22, 2004, if the parties are unable to resolve all issues.

October 14, 2004

Respectfully submitted,

IMMUNEX CORPORATION and AMGEN INC.
By their attorneys,

/s/ Eileen M. Herlihy

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